

SB0431



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB0431

Introduced 2/16/2005, by Sen. James A. DeLeo

SYNOPSIS AS INTRODUCED:

415 ILCS 5/28

from Ch. 111 1/2, par. 1028

Amends the Environmental Protection Act. Makes a technical change in a Section concerning proposal of regulations.

LRB094 09305 RSP 39545 b

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 changing Section 28 as follows:

6 (415 ILCS 5/28) (from Ch. 111 1/2, par. 1028)

7 Sec. 28. Proposal of regulations; procedure.

8 (a) Any person may present written proposals for the ~~the~~
9 adoption, amendment, or repeal of the Board's regulations, and
10 the Board may make such proposals on its own motion. If the
11 Board finds that any such proposal is supported by an adequate
12 statement of reasons, is accompanied by a petition signed by at
13 least 200 persons, is not plainly devoid of merit and does not
14 deal with a subject on which a hearing has been held within the
15 preceding 6 months, the Board shall schedule a public hearing
16 for consideration of the proposal. If such proposal is made by
17 the Agency or by the Department, the Board shall schedule a
18 public hearing without regard to the above conditions. The
19 Board may hold one or more hearings to consider both the merits
20 and the economics of the proposal. The Board may also in its
21 discretion schedule a public hearing upon any proposal without
22 regard to the above conditions.

23 No substantive regulation shall be adopted, amended, or
24 repealed until after a public hearing within the area of the
25 State concerned. In the case of state-wide regulations hearings
26 shall be held in at least two areas. At least 20 days prior to
27 the scheduled date of the hearing the Board shall give notice
28 of such hearing by public advertisement in a newspaper of
29 general circulation in the area of the state concerned of the
30 date, time, place and purpose of such hearing; give written
31 notice to any person in the area concerned who has in writing
32 requested notice of public hearings; and make available to any

1 person upon request copies of the proposed regulations,
2 together with summaries of the reasons supporting their
3 adoption.

4 Any public hearing relating to the adoption, amendment, or
5 repeal of Board regulations under this subsection shall be held
6 before a qualified hearing officer, who shall be attended by at
7 least one member of the Board, designated by the Chairman. All
8 such hearings shall be open to the public, and reasonable
9 opportunity to be heard with respect to the subject of the
10 hearing shall be afforded to any person. All testimony taken
11 before the Board shall be recorded stenographically. The
12 transcript so recorded, and any written submissions to the
13 Board in relation to such hearings, shall be open to public
14 inspection, and copies thereof shall be made available to any
15 person upon payment of the actual cost of reproducing the
16 original.

17 After such hearing the Board may revise the proposed
18 regulations before adoption in response to suggestions made at
19 the hearing, without conducting a further hearing on the
20 revisions.

21 In addition, the Board may revise the proposed regulations
22 after hearing in response to objections or suggestions made by
23 the Joint Committee on Administrative Rules pursuant to
24 subsection (b) of Section 5-40 and subsection (a) of Section
25 5-110 of the Illinois Administrative Procedure Act, where the
26 Board finds (1) that such objections or suggestions relate to
27 the statutory authority upon which the regulation is based,
28 whether the regulation is in proper form, or whether adequate
29 notice was given, and (2) that the record before the Board is
30 sufficient to support such a change without further hearing.

31 Any person heard or represented at a hearing or requesting
32 notice shall be given written notice of the action of the Board
33 with respect to the subject thereof.

34 No rule or regulation, or amendment or repeal thereof,
35 shall become effective until a certified copy thereof has been
36 filed with the Secretary of State, and thereafter as provided

1 in the Illinois Administrative Procedure Act as amended.

2 Any person who files a petition for adoption of a
3 regulation specific to that person shall pay a filing fee.

4 (b) The Board shall not, on its own motion, propose
5 regulations pursuant to subsection (a) of this Section or
6 Sections 28.2, 28.4 or 28.5 of this Act to implement the
7 provisions required by or related to the Clean Air Act
8 Amendments of 1990, as now or hereafter amended. However,
9 nothing herein shall preclude the Board from, on its own
10 motion:

11 (1) making technical corrections to adopted rules
12 pursuant to Section 100.240 of Title 1 of the Illinois
13 Administrative Code;

14 (2) modifying a proposed rule following receipt of
15 comments, objections, or suggestions without agreement of
16 the proponent after the end of the hearing and comment
17 period;

18 (3) initiating procedural rulemaking in accordance
19 with Section 26 of this Act; or

20 (4) initiating rulemaking necessitated by a court
21 order directed to the Board.

22 (Source: P.A. 87-860; 87-1213; 88-45.)